

Section 2.11

Certification of Registered Labeling

Introduction

Food and Agricultural Code (FAC) section 12973 states in pertinent part, “The use of any pesticide shall not conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or with any” One of the necessary “elements” to prove a violation of FAC section 12973 is evidence showing the label was registered at the time of the use/misuse of the pesticide.

Procedure for obtaining verification

1. Call the Department of Pesticide Regulation’s (DPR’s) Pesticide Registration Branch Label Resource Center at (916) 324-0419.
2. Provide the responding staff member with your name, affiliation, and mailing address.
3. Tell them you are preparing a case for an enforcement action and that you need them to mail you a copy of the “stamped registered label” AND a “Certification Statement” for that label showing that the pesticide was registered on the specific date of use.
4. Give them the U.S. EPA Registration Number.

These are critical details – don’t skip them. If the pesticide was not registered on the day of use, you will not be able to use FAC section 12973; and, if the label was amended after that day of use, you need to request the label as it was registered on that day of use.

Other considerations:

- Faxed copies may be unacceptable for the hearing if the faxed copy is not considered “best evidence;” make sure it is understood that you need these documents to be mailed to you.
- It usually takes one to two weeks to process your request and mail it to you.
- Don’t wait until the last minute to obtain the label and certification statement because you might not get them in time for the hearing. In addition, the label might undergo one or more amendments between the date of the violation and your hearing.

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Certification of Registered Labeling, Continued

This is a
facsimile of a
certification of
records

On Department of Pesticide Regulation Letterhead:
July 4, 2004

CERTIFICATION OF RECORDS

I, Tommy Tutone, do hereby certify that I am the duly appointed Chief of the Pesticide Registration Branch of the Department of Pesticide Regulation. I do hereby further certify that I am the legal custodian of the attached record filed with the Pesticide Registration Branch of the Department of Pesticide Regulation in Sacramento, California.

I do hereby further certify that the U.S. Environmental Protection Agency Registration Number 867-5309, manufactured by Major Corporation, is registered in California containing the following ingredients:

Active Ingredients:

Quadric Trichlor.....99.%

Inert Ingredients..... 1.%

I declare under penalty of perjury that the foregoing is true and correct.

Tommy Tutone

Tommy Tutone, Chief
Pesticide Registration Branch
Department of Pesticide Regulation

JUL 04 2004

Date